

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EFRAIN ASTORGA VEGA,

Defendant.

CASE NO.: CR15-255RSL

~~(PROPOSED)~~ ORDER CONTINUING TRIAL

DATE

This matter came before the Court upon the Motion of Defendant Efrain Astorga Vega, by and through his attorney of record, Gabriel I. Banfi, and the United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Vincent T. Lombardi and Thomas Woods, Assistant United States Attorney for said District, who file this Unopposed Motion requesting a continuance of the Trial date in the above-captioned case from April 10, 2017 to August 28, 2017 and to continue the Pre-trial Motions cut-off date to July 24, 2017. Having considered all the files and records herein, and on the basis of the following facts, this Court finds the Motion is well taken and shall be granted:

1. On July 29, 2015, a Federal Grand Jury returned a one count Indictment charging Efrain Astorga Vega and Octaviano Astorga Vega with Count I- Conspiracy to Distribute Controlled Substances in violation of Title 21, United States code, Sections 841(a)(1), 841(b)(1)(A) and 846. Efrain Astorga Vega remained a fugitive until January 30, 2017; Octaviano Astorga Vega remains at large.
2. Efrain Astorga Vega was arrested on a warrant on January 30, 2017. Defense counsel, Michelle Peterson was appointed pursuant to the Criminal Justice Act as counsel of record on January 30, 2017.
3. The Arraignment was held on January 30, 2017. At that time the Court set a Pre-Trial Motions cut-off date of February 20, 2017 and a Trial date of April 10, 2017.
4. On January 31, 2017, Vincent T. Lombardi, Assistant United States Attorney, filed a Notice of Related Case, United States of America v. Zavala-Zazueta, CR15-259MJP.
5. On February 13, 2017, the undersigned defense counsel filed his Notice of Appearance and a Motion for Order Allowing Withdrawal and Substitution of Counsel. The Court granted the Order Allowing Withdrawal and Substitution of Counsel on February 16, 2017.
6. The Government has provided Defense Counsel with initial discovery in this case. However, the production of additional discovery is on-going. The Government has produced what consists of written discovery such as law enforcement reports and photographs as it relates to the charged defendant and his alleged encounters with law enforcement in the State of Washington.

1 7. However, according to the Government, the discovery related to this
2 case clearly consists of extensive materials that have been generated
3 from a multi-codefendant drug conspiracy case, United States of America
4 v. Zavala-Zazueta, et. al., No. CR15-259 MJP.

5 8. The Government in the related case, U.S.A. v. Zalava-Zazueta, has
6 produced a substantial amount of discovery to a court appointed
7 discovery master, Russell Aoki. As an overview, the Government reports
8 that it has produced in excess of 5,455 pages of bates numbered
9 discovery, summarized as follows: DEA reports, DEA 7 and 7a reports,
10 FBI reports and wiretap pleadings, search warrants, tracking and pen
11 register pleadings, state/local reports, lab reports, financial
12 documents, and non-drug exhibits. In addition, the Government has also
13 produced electronic discovery consisting of audio intercepted wiretap
14 recordings, surveillance exhibits including photos and videos, as well
15 as recorded video from pole cameras at 17 different locations. Contact
16 has already been made with the court appointed discovery master and the
17 production of additional discovery will be on-going and may take
18 several weeks.

19 9. The Defendant needs additional time to review and analyze the discovery
20 in preparation for Pre-Trial Motions and Trial and to consider possible
21 plea options. Moreover, both sides continue to negotiate a resolution
22 short of Trial. Additional time is needed to complete negotiations.
23 The defendant also needs more time to receive and review the full
24 discovery which clearly is extensive in this case.
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1 10. The Defendant will file a Waiver of Speedy Trial in support of
2 this Motion and Order.

3
4 Accordingly, THIS COURT FINDS, pursuant to Title 18, United
5 States Code, Section 3161 (h) (7) (B) (i), that failure to grant such a
6 continuance in the proceeding would be likely to make a continuation of such
7 proceeding impossible, or result in a miscarriage of justice.

8
9 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
10 3161 (h) (7) (B) (iv), that failure to grant the continuance in this case, which
11 is not so unusual or so complex as to fall within clause (ii), however it
12 does demand that counsel review extensive discovery in preparation for
13 potential Pre-Trial Motions and Jury Trial. The Defense is requesting this
14 additional time to properly prepare this case in a Federal prosecution, and a
15 denial of this request for a Trial continuance would deny counsel for the
16 Defendant the reasonable time necessary for effective preparation, due to
17 counsel's need for more time to review the evidence and consider possible
18 defenses, taking into account the exercise of due diligence;

19
20 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
21 3161 (h) (7), that this is a reasonable period of delay and that there have
22 been no previous motions for continuance of the Trial date, and that the
23 Defendant has requested more time to review discovery, consider possible Pre-
24 Trial Motions, consider plea options, and prepare for Trial. The Defendant
25

1 has indicated that he will file a Waiver of Speedy Trial in support of this
2 Motion and Order.


3
4 THIS COURT FINDS, therefore, that pursuant to Title 18, United States
5 Code, Section 3161 (h) (7) (A), the ends of justice will best be served by a
6 continuance, and that they outweigh the best interests of the public and the
7 defendant's speedy trial right.

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9 THIS COURT FURTHER FINDS, that all time between the date of this Order
10 and the new trial date of August 28, 2017 is necessary to provide counsel for
11 the defendant with reasonable time to prepare for Trial.

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13 NOW, THEREFORE, it is hereby ordered that the trial date will be
14 continued to August 28, 2017, with a Pre-Trial Motions cut-off date continued
15 to July 24, 2017. The time between the date of this Order and the new Trial
16 date is excluded in computing the time within which a Trial must be held
17 pursuant to Title 18, United States Code, Section 3161, et. seq.

18
19 IT IS SO ORDERED.

20 Dated this 27th day of February, 2017.

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23 
24 Robert S. Lasnik
25 United States District Court